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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,050	03/29/2001	George R. Borden IV	KLR 7146.073	8987

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EXAMINER
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NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/823,050	<b>Applicant(s)</b> BORDEN, GEORGE R.	
	<b>Examiner</b> LUONG T NGUYEN	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29, 31-32 (renumbered 30-31, respectively) is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29, 31-32 (renumbered 30-31) is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/14/01</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
  - (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
  - (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
  - (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
  - (e) BACKGROUND OF THE INVENTION.
    - (1) Field of the Invention.
    - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
  - (f) BRIEF SUMMARY OF THE INVENTION.
  - (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
  - (h) DETAILED DESCRIPTION OF THE INVENTION.
  - (i) CLAIM OR CLAIMS (commencing on a separate sheet).
  - (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
  - (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).
2. The disclosure is objected to because of the following informalities:

There is no section "BRIEF SUMMARY OF THE INVENTION" in the disclosure of the specification.

Appropriate correction is required.

### ***Claim Objections***

3. Claims 15, 25, 31-32 are objected to because of the following informalities:

Claim 15 is a duplicate claim of claim 13.

Claim 25 (line 1), "an larger view" should changed to --a larger view--.

There is no claim 30 in the claims. Therefore, claims 31 and 32 should be renumbered as claims 30-31, respectively.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-24, 26-29, renumbered claim 30 (application claim 31) are rejected under 35 U.S.C. 102(e) as being anticipated by Rothmuller et al. (US 2003/0033296).

Regarding claim 1, Rothmuller et al. discloses a system for presenting at least one of digital images and digital video to a user comprising a plurality of at least one of digital images

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and digital video each of which has a corresponding associated date (photo images 1-4, figure 1, sections [0017], [0018], [0032], pages 2, 4); a display suitable for displaying a calendar based interface (figures 1, 4, sections [0017], [0018], [0032], pages 2, 4); said calendar based interface defining a plurality of date ranges (figure 4, section [0032], page 4), associating each of at least one of said plurality of digital images and digital video with a corresponding one of said date ranges (figure 4, section [0032], page 4).

Regarding claim 2, Rothmuller et al. discloses wherein at least one of said plurality of digital images and digital video are stored in a file (photos can be stored in a database, section [0017], page 4).

Regarding claim 3, Rothmuller et al. discloses wherein at least one of each of said digital images and digital video originated from a digital camera (the photo is created on a digital camera, section [0027], page 3).

Regarding claim 4, Rothmuller et al. discloses wherein at least one of each of said digital images and digital video originated from a scanning device (the photo is scanned into a scanner, section [0027], page 3).

Regarding claim 5, Rothmuller et al. discloses wherein said associated date is the date upon which at least one of said digital image and digital video was created (figures 1, 4, section [0032], page 4).

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Regarding claim 6, Rothmuller et al. discloses wherein said associated date for at least one of each of said digital images and digital video is created for the corresponding said at least one of said digital image and digital video free from a user manually assigning a creation date with said at least one of said digital image and digital video (section [0027], page 3, section [0032], page 4).

Regarding claim 7, Rothmuller et al. discloses wherein said calendar based interface includes a week display (figure 4).

Regarding claim 8, Rothmuller et al. discloses wherein said calendar based interface includes a month display (figure 4).

Regarding claim 9, Rothmuller et al. discloses wherein said calendar based interface includes a plurality of regions each of which has an associated one of said date ranges (figure 4).

Regarding claim 10, Rothmuller et al. discloses wherein said date ranges are one day (such as June 18, 2001, figure 4).

Regarding claim 11, Rothmuller et al. discloses wherein said date ranges include a plurality of days (timeline 250, figure 3, sections [0028], [0029], page 3).

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Regarding claim 12, Rothmuller et al. discloses at least one of said at least one of said plurality of digital images and digital video is associated with a plurality of said date ranges (figure 4, section [0032]).

Regarding claims 13 and 15, Rothmuller et al. wherein said calendar based interface includes a morning display (figure 1 shows that the time of displaying is 10:52AM).

Regarding claim 14, Rothmuller et al. discloses wherein said calendar based interface includes an evening display (figure 1 shows that the time of displaying is 10:52AM, this indicates that the displaying also can be at evening).

Regarding claim 16, Rothmuller et al. discloses wherein said calendar based interface includes an indication of corresponding at least one of said digital images and digital video for at least one of said date ranges (figure 4 shows the indication that in the month of June, 2001, there are two sets of photo were taken).

Regarding claim 17, Rothmuller et al. discloses wherein said indication is provided in a spatial region (region of the date June 8, 2001 or region of the date June 18, 2001) of said display corresponding to said at least one of said date ranges (figures 1, 4).

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Regarding claim 18, Rothmuller et al. discloses wherein said spatial region includes a plurality of indications (figure 4 shows the indication that in the month of June, 2001, there are two sets of photo were taken (two indications)).

Regarding claim 19, Rothmuller et al. discloses wherein said plurality of indications correspond with different groups of said plurality of at least one of digital images and digital video (figure 4 shows the indication that in the month of June, 2001, there are two different sets of photo were taken, section [0032], page4).

Regarding claim 20, Rothmuller et al. discloses wherein said different groups are based upon, at least in part, different said associated dates (figure 4 shows the indication that in the month of June, 2001, there are two different sets of photo were taken in two different days, section [0032], page4).

Regarding claim 21, Rothmuller et al. discloses said date ranges are modified (the timeline 250 can be adjustable, figure 3, section [0028]).

Regarding claim 22, Rothmuller et al. discloses wherein at least one of said plurality of digital images and digital video are associated with corresponding said modified date ranges in accordance with said associated date of each respective at least one of said digital images and digital video (sections [0028], [0029], [0030], page 3).



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Regarding claim 23, Rothmuller et al. discloses wherein said modified association is performed free from said user manually associating any of at least one of said plurality of digital images and digital video (sections [0027], [0028], [0029], [0030], page 3).

Regarding claim 24, Rothmuller et al. discloses displaying thumbnail images (icon tags 350, figure 1, section [0018], page 2) of at least one of said plurality of at least one of digital images and digital video associated with said date ranges.

Regarding claim 26, Rothmuller et al. discloses subdividing said plurality of at least one of digital images and digital video into a plurality of albums (figure 1 shows digital images are grouped under different tags 350).

Regarding claim 27, Rothmuller et al. discloses said user selects at least one of said albums for the presentation of at least one of digital images and digital video (figure 1, section [0018], page 2).

Regarding claim 28, Rothmuller et al. discloses said user selects multiple albums for said presentation of at least one of digital images and digital video (figure 1, section [0018], page 2).

Regarding claim 29, Rothmuller et al. discloses wherein said calendar occupies between 15 percent and 30 percent of the display area (figure 4 shows the display of the calendar, which

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is displayed in the imaging area 100 in figure 1, the imaging area 100 is between 15 percent to 30 percent of screen of figure 1).

Regarding renumbered claim 30 (application claim 31), Rothmuller et al. discloses wherein said indication includes an area, and said area of said indication is associated with at least one of said digital images and digital video of said date ranges (figure 4).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller et al. (US 2003/0033296) in view of Anderson et al. (US 6,118,480).

Regarding claim 25, Rothmuller et al. fail to specifically disclose displaying a larger view of at least one of said thumbnail images together simultaneously with said thumbnail images. However, Anderson et al. teaches a simultaneously displaying of a large thumbnail 704 and thumbnail 700 (figure 9, column 8, line 37 – column 9, line 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Rothmuller et al. by the teaching Anderson et al. in order to allow the user has a better review on a desired pictures.

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8. Renumbered Claim 31 (application claim 32) is rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller et al. (US 2003/0033296) in view of Toyofuku et al. (US 6,741,278).

Regarding renumbered claim 31 (application claim 32), Rothmuller et al. fail to specifically disclose wherein said indication includes a color, and said color of said indication is associated with at least one of said digital images and digital video of said date ranges. However, Toyofuku et al. teaches the color of the photographing date is displayed as a color, which is different from other dates (figure 14, column 9, lines 55-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Rothmuller et al. by the teaching Toyofuku et al. in order to provide easy visible recognition of the point corresponding to the photographing date (column 9, lines 63-64).

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miller et al. (US 6,310,648) discloses user interface for electronic image viewing apparatus.

Battles et al. (US 6,437,811) discloses user interface for sorting photographs on a digital camera.

Tomat et al. (US 6,784,925) discloses system to manage digital camera images.


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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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11/13/04

  
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